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PTO/SB/31 (09-04)

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**NOTICE OF APPEAL FROM THE EXAMINER TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)  
588.1005

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on March 28, 2007.

Signature Danielle Sullivan

Typed or printed  
name Danielle Sullivan

In re Application of  
Wolfgang NIESSEN

Application Number  
10/733,486

Filed  
December 11, 2003

For METHOD AND SYSTEM FOR CONTROLLING THE CREEP  
BEHAVIOR OF A VEHICLE EQUIPPED WITH AN AUTOMATED  
CLUTCH

Art Unit  
3683

Examiner  
Robert Siconolfi

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

\$ 0.00

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

\$       

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-0552. I have enclosed a duplicate copy of this sheet.

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

☒ attorney or agent of record.

Registration number 38,156.

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34.       

William C. Gehris  
Signature

William C. Gehris  
Typed or printed name

212-736-1940  
Telephone number

March 28, 2007  
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Mail Stop: AMENDMENT  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450



Docket No.: 588.1005  
Date: March 28, 2007

In re application of: **Wolfgang NIESSEN**  
Serial No.: 10/733,486  
Filed: December 11, 2003  
For: **METHOD AND SYSTEM FOR CONTROLLING THE CREEP BEHAVIOR OF A VEHICLE  
EQUIPPED WITH AN AUTOMATED CLUTCH**

Sir:


Transmitted herewith is a **Notice of Appeal with duplicate (2 pages)** in the above-identified application.

- ☐ Small entity status under 37 C.F.R. 1.9 and 1.27 has been previously established.
- ☐ Applicants assert small entity status under 37 C.F.R. 1.9 and 1.27.
- ☒ No fee for additional claims is required.
- ☐ A filing fee for additional claims calculated as shown below, is required:

- ☒ Also transmitted herewith are:
  - ☐ Petition for extension under 37 C.F.R. 1.136
  - ☒ Other: Return Receipt Postcard  
Letter Re: Notice of Appeal (1 pg)

- ☐ Check(s) in the amount of **\$0.00** is/are attached to cover:
  - ☐ Filing fee for additional claims under 37 C.F.R. 1.16
  - ☐ Petition fee for extension under 37 C.F.R. 1.136
  - ☐ Other:

- ☒ The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.
  - ☒ Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.
  - ☒ Any patent application processing fees under 37 C.F.R. 1.17.
  - ☒ Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.

  
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William C. Gehris, Reg. No. 38,156  
DAVIDSON, DAVIDSON & KAPPEL, LLC  
485 Seventh Avenue, 14<sup>th</sup> Floor  
New York, New York 10018  
Tel: (212) 736-1940  
Fax: (212) 736-2427

I hereby certify that the documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "first class mail" with sufficient postage in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on March 28, 2007.  
DAVIDSON, DAVIDSON & KAPPEL, LLC

BY:   
Danielle Sullivan



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/733,486  
Applicant: Wolfgang NIESSEN  
Attorney Docket: 588.1005  
Filing Date: December 11, 2003  
Title: METHOD AND SYSTEM FOR CONTROLLING THE  
CREEP BEHAVIOR OF A VEHICLE EQUIPPED WITH  
AN AUTOMATED CLUTCH

Mail Stop: AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

March 28, 2007

**LETTER RE: NOTICE OF APPEAL**

Sir:

In response to the Office Action dated December 28, 2006, a new Notice of Appeal is submitted herewith. As stated in the Office Action, the previously paid Notice of Appeal fee and Appeal Brief fee can be applied to the new appeal. The Notice of Appeal filing fee was paid with the Notice of Appeal filed on June 16, 2006.

Therefore, no fee is believed due. In the event any additional fee is due in connection with this response or if any fee has been overpaid, the deficiency or overpayment should be charged to our Deposit Account No. 50-0552.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By: \_\_\_\_\_

William C. Gehris  
(Reg. No. 38,156)

DAVIDSON, DAVIDSON & KAPPEL, LLC  
485 Seventh Avenue - 14<sup>th</sup> Floor  
New York, New York 10018  
(212) 736-1940